IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 720 OF 2005

WITH

CIVIL APPLICATION NO. 832 OF 2005

Ronnie G. Menezes .. Appellant

versus

Charlie Lobo .. Respondents

...

Mr.G.R. Mishra for the appellant.

None for the respondents

CORAM : B.H. MARLAPALLE,J

DATED : 1st September 2005

P.C.:

1. By impugned order dated 13th July 2005, no order was passed in Notice of Motion no.2004 of 2005 taken out by the plaintiff and at the same time, the defendant was allowed to restore and repair the suit premises subject to the defendant showing his title thereto at the time of hearing of the suit, as per the order passed in his Notice of Motion no.2023 of 2005. Thus, it shows that the Notice of Motion

moved by the plaintiff is still pending.

3. No interference is therefore, called for in the impugned order at this stage. Appeal is dismissed in limine. However, it is clarified that the repair work by the dependent has to be as per the permission by a competent authority.

4. Civil Application does not survive.

B.H. MARLAPALLE, J